

bmj.com news roundup

Full versions of these stories are available at: bmj.com/content/vol330/issue7505/#NEWS_ROUNDUP

Canadian Supreme Court upholds right to take out private health insurance

A surprise ruling of the Supreme Court of Canada that struck down a Quebec prohibition on private health insurance in that province has raised fears that a two tier healthcare system will arise to replace the whole country's universal publicly funded system. Until now, Canadians have not been allowed to buy health insurance to cover services provided by the publicly funded system, even though there are long waits for some of these services. The decision of the court is likely to result in residents of other provinces also challenging the ban.

The court judgment was given in a case brought by Jacques Chaouilli, a Quebec doctor whose patient, George Zeliotis, had waited nearly a year for hip replacement surgery. Dr Chaouilli and Mr Zeliotis argued that Quebec's ban on buying private insurance for services covered by the public system yet not readily accessible violated both Quebec's Charter of Rights and Freedoms and Canada's Charter of Rights and Freedoms.

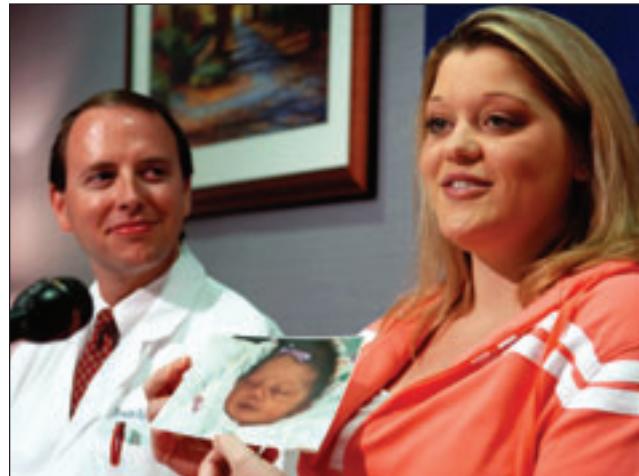
The court agreed: "In sum, the prohibition on obtaining private health insurance, while it might be constitutional in circumstances where health care services are reasonable as to both quality and timeliness, is not constitutional where the public system fails to deliver reasonable services."

David Spurgeon Quebec

Mental health should have same priority as physical health

Staying mentally well should be given the same priority by NHS policymakers as keeping physically fit, says an independent, UK based think tank, the Institute for Public Policy Research.

In a report published this week, the Institute set out its



JIM HARRISON/AP/EPICOM

US woman gives birth to daughter after transplant of ovarian tissue from her twin

An American woman has given birth to a baby after a successful transplant of ovarian tissue from her identical twin sister. Two previous ovarian transplants have been reported, one in Belgium and one in China.

Stephanie Yarber, shown above with obstetrician Dr Braden Richmond and a picture of her daughter gave birth on 6 June, 15 months after receiving an ovarian transplant from her identical twin sister.

The event was reported in an early release paper on the website of the *New England Journal of Medicine* on 7 June (www.nejm.org, doi: 10.1056/NEJMoa043157) and on the website of the doctor who did the procedure, Sherman Silber from the Infertility Center of St Louis at St Luke's Hospital in St Louis, Missouri (www.infertile.com).

Ms Yarber, who is 25, developed premature ovarian failure at the age of 14 and had not had menstrual periods for 10 years. A laparoscopic examination and ovarian biopsy at the age of 20 showed she had atrophic elongated ("streak") gonads and no follicles but a small uterus and an otherwise normal reproductive tract.

Janice Hopkins Tanne New York

vision of what mental health services should look like in 2025. It suggests that by then, people with mental health problems will have access to local drop-in services and public stigma around mental health will have declined. In addition, every neighbourhood will have access workers based in locations such as community health centres, libraries and GPs' surgeries who would offer people a fast route into specialist services with access to psychological treatments and medication.

To achieve these aims the report suggests that policies should focus less on developing measures to protect the public from a small number of dangerous mentally ill people and what it considers to be the over use

of expensive medication for common mental health problems. Instead, there should be greater emphasis on providing effective services for people with common problems, such as depression and anxiety, and helping to keep people mentally well.

Zosia Kmietowicz London

The report *The Mental Health in the Mainstream* is available on the internet at www.ippr.org

US Supreme Court says no to medical marijuana

The US Supreme Court voted six-three last week that medical use of marijuana was illegal,

despite laws in 11 states that permit its use. The court ruling puts the federal government at odds with many in the scientific establishment and with public opinion.

The decision is unlikely to affect people living in states that allow medical marijuana use, where state laws permitting this use are still in effect, however. Most people who are prosecuted for use or possession of marijuana are large scale drug dealers.

The case that led to the ruling was brought by two Californian women, Angel Raich and Diane Monson, who use marijuana to alleviate symptoms of medical conditions.

The federal US Drug Enforcement Administration raided Ms Monson's home and confiscated marijuana plants that she had grown for her own use. Ms Raich received marijuana free from a friend. Both are reported to have followed their doctors' advice to use marijuana and said that they would continue to use their home grown drug. Californians voted to legalise marijuana for medical use in 1996.

The court's decision has been widely criticised in US newspapers. The *Washington Post* said, "The government's crusade against medical marijuana is a misguided use of anti-drug resources." (7 Jun 2004, p A20). Janice Hopkins Tanne New York

See www.nap.edu/readingroom/marimed/es.html.

Local control over foundation trusts is "rhetoric"

Primary care trusts are running elections that would be considered "disgraceful" if they took place in local government, a study funded by the Nuffield Trust has said. The report casts doubt on the government's claim that foundation trusts hand power to local people and represent "a new form of social ownership."

The six month study examined government discussions before the policy was unveiled in December 2002, as well as information made available by the